

ANALYSIS AND FINDINGS FOR MINOR ADJUSTMENT APPROVAL

Discussion

The following section evaluates the decision criteria for a Minor Adjustment. Following each approval criterion, findings are made, based primarily on the written narrative and plans submitted by the applicant, establishing that the criterion is met.

Major Issues

Issues identified by staff and public comment:

- Dust Control during construction
- Hours of Construction, including hours of delivery of material
- Grading and drainage of the site
- Vision clearance from the crest of the hill (Hedlund and 152nd) and the first
- Proposed driveway on 152nd Avenue
- Number of lots proposed in the development

Section 40.10.05 Adjustment; Purpose

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in this Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein.

Minor Adjustment Standards for Approval:

Section 40.10.15.1.C of the Development Code provides standards to govern the decision making authority to evaluate and render a decision on the Minor Adjustment application. The Facilities Review Committee has reviewed the Facilities Review criteria of Section 40.03, and found that there are conditions of approval applicable to the Minor Adjustment request. The decision making authority will determine whether the application as presented, meets the Minor Adjustment approval criteria. The decision making authority may choose to adopt, not adopt or modify the Committee's findings and recommended Conditions of Approval. In this report, staff evaluates the application in accordance with the criteria for Minor Adjustment.

Section 40.10.15.1.C Approval Criteria

In order to approve a Minor Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Minor Adjustment application.***

Facts and Findings:

The intent of this criterion is to ensure the proposed project meets the threshold listed in Section 40.10.15.1.A. The proposal meets this requirement by being consistent with threshold #1, which states that an application for a Minor Adjustment shall be required when the following threshold applies:

“Involves up to and including a 10% adjustment from the numerical Site Development Requirements specified in Chapter 20 (Land Uses).”

The applicant is requesting an adjustment to the Site Development Requirement stated in Section 20.05.50.2.B which states: *“Depth: as specified, provided however that no lot depth shall be more than 2 1/2 times the lot width.”*

The applicant proposes that lot #3 of the land partition has a midpoint depth of 135.5 feet and a width of 50 feet. The lot depth, as proposed, will be 10.5-feet (7.75%) over the maximum depth/width ratio allowed outright by the Site Development Requirements. With the approval of this Minor Adjustment application, the lot depth/width ratio is met and the minimum lot size for the R-5 zoning district (5,000 square feet) will be maintained.

Therefore, staff find that by satisfying condition #1, the criterion is met.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

Facts and Findings:

The intent of this criterion is to ensure that all fees have been paid to the City before a full review can proceed. According to city finance records, the applicant paid with a check (#1009) in the amount of \$305.00 to the City. The fee amount is to help compensate for the costs associated for the proposed project to be reviewed for compliance to the Development Code. The City issued receipt number 20046233 to verify payment.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

3. *Special conditions exist which are unique to the land, structure, or building involved.*

The applicant states that special conditions do exist which are unique to the land, specifically, the applicant states that the “unique pre-existing conditions are: a) the east property line being 139 feet; and b) the minimum density of three units. Without the minor adjustment, Lot 3 would need to be approximately 56 feet wide in order to meet the criteria that no parcel be deeper than 2 1/2 times its width. If Lot

3 were widened to 56 feet, it would be over 7,700 sq. ft. and would render Lots 1 and 2 only 83 feet deep, reducing Lot 1 to just 4,732 square feet. At only 4,732 square feet, Lot 1 would be below the minimum lot size of 5,000 sq. ft. and would require a minor adjustment for lot size, which has a far greater impact on livability than the proposed minor adjustment for lot depth for Lot 3. By utilizing the minor adjustment, we [the applicant] are proposing to balance the lot sizes to be more consistent with one another within the site and also with the surrounding properties.”

Staff finds that the minor adjustment for lot 3 meets the intent and purpose of the minor adjustment application by allowing flexibility in the Site Development Regulations while maintaining the intended purpose of the underlying zoning designation. By approving the minor adjustment the proposed project, will allow density as required by Section 20.05.60 while maintaining the minimum lot size of the R-5 zoning designation.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

4. *Granting the adjustment will result in a project that equally or better meets the regulation to be modified.*

Facts and Findings:

By granting the adjustment, the proposal will create three lots which will be more consistent with the zoning district. In addition, by granting the adjustment the lot sizes will be more constant with one another within the site.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

5. Granting the adjustment as part of the overall project will not obstruct pedestrian or vehicular movement.

Facts and Findings:

The proposed adjustment is associated with a land partition which is being reviewed under a different application (LD2004-0039). The applicant has proposed to install a sidewalk on the south side of the property to assist pedestrian movement. The applicant will also construct driveways and vehicular access in accordance with the City’s Transportation Standards. By meeting the conditions of approval, the current adjustment and concurrent land partition application will not obstruct current or future pedestrian and vehicular movements.

FINDING: Therefore, staff find that by meeting the conditions of approval the proposal meets the criterion for approval.

6. The adjustment will allow City designated scenic resources and historic resources, if present, to be preserved.

Facts and Findings:

There are no City designated scenic resources or historic resources located on the site.

FINDING: Therefore, staff find the criterion is not applicable.

7. If more than one (1) Minor Adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zone.

Facts and Findings:

There is only one Minor Adjustment being requested at this time. With the approval of this Minor Adjustment, the proposal will remain consistent with the overall purpose of the current R-5 zoning designation.

FINDING: Therefore, staff find that the criterion is met.

8. Any Minor Adjustment granted shall be the minimum that will make possible a reasonable use of land, building, and structures.

Facts and Findings:

The applicant has demonstrated through the site plan that the minimum lot depth to width ratio was used in order to use the land and buildable area to its fullest potential. Staff finds that the applicant has demonstrated that the Minor Adjustment is the minimum that will make possible a reasonable use of land, building, and structures.

FINDING: Therefore, staff find that the criterion is met.

9. The proposal incorporates building, structure, or site design features or some combination thereof which compensate for adjusting the Site Development Requirement.

Facts and Findings:

The applicant proposed to divide the current lot into three single family lots, which meet the Site Development requirements for square footage for the R-5 zoning designation. By approving the minor adjustment, the proposed lots will be able to balance the lot sizes to be more consistent with one another within the site. In addition to consistent lot sizes within the site, the minor adjustment will create rectangular shaped lots rather than irregular or triangular shaped lots.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Facts and Findings:

The intent of this criterion is to ensure the proposed project submits all the proper development applications on the proper sequence. This application is being reviewed simultaneously with LD2004-0039. All documentation and applications have been submitted to the City of Beaverton in the proper sequence. This application may be approved upon approval of the associated Preliminary Partition Land Division application.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.